Supreme Court, U. S.
FILED
AUG 7 1975
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1975

NO. 75-204

THOMAS B. DELASHAW, III,

Petitioner,

vs.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES,

Respondent.

APPENDICES 2 and 3

to

PETITION FOR WRIT OF CERTIORARI

ARTHUR W. FRANCIS, JR.
JONES & WILSON

5900 Wilshire Blvd.
Los Angeles, CA 90036
(213) 936-8216

Attorneys for Petitioner

APPENDIX 2

L.A.S.C. Case No. C 66037

Ruling of Judge August J. Goebel

C 66037

Home Savings and Loan Association
vs.
Houston General Insurance Company

Counsel for Plaintiff	Thomas B. Delashaw in Pro Per A Francis for plff Delashaw in a companion action J Roger Gelsinger for plff Home Savings and Loan Assn Miller & Clearwater by: Steven E. Trabish for J A Schrader X-deft
Counsel for Deft	Monteleone & McCrory by Alan Ribakoff for Houston Genl Ins

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NATURE OF PROCEEDINGS.

NOTICE OF RULING RE MOTION OF DEFENDANT, HOUSTON GENERAL INSURANCE COMPANY, FOR ORDER COMPELLING THOMAS H DELASHAW III TO ANSWER CERTAIN QUESTIONS ORALLY AND TO COMPEL THOMAS B. DELASHAW III TO PRODUCE DOCUMENTS AND FOR REASONABLE EXPENSES AND ATTORNEY'S FEES

The above entitled motion of defendant having heretofore been taken under submission, the Honorable August J. Goebel, Judge presiding in Department 88, now makes and announces the following ruling thereon pursuant to oral agreement of counsel and the court's order of May 1, 1974.

Cont to 3A

July 19, 1974 Dept., 88

C 60037

Home Savings and Loan Association
vs.
Houston General Insurance Company

As to the motion to compel answer to certain questions, the items hereinafter referred to are the same numbered items more specifically described by page and line number in the Declaration of Notary Public, Robert V. Reijas, filed on May 14, 1974, as a part of defendant's Notice of Motion. Said motion is granted as indicated and on the specified grounds and the plaintiff, Thomas B Delashaw III is ordered to answer all of the items

ITEM NO.		REASON
1	Answer	No privilege, and if privileged, waived
2	Answer	Waived
3	Answer	No privilege; assented by witness
4, 5, 6, 7 & 8	Answer	Not privileged
9 & 10	Answer	Not privileged; waived
11	Answer	Not privileged
12	Answer	No showing why privileged
14	Answer	Not sufficient privilege
13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25	Answer	Not sufficient showing why privileged

Cont to 3B

July 19, 1974 (3A)

Dept.,
88

C 66037

Home Savings and Loan Association
vs
Houston General Insurance Company

NATURE OF PROCEEDINGS

ITEM NO.		REASON
26 and 27	Answer	Waived by previous answer
28 and 29	Answer	Not sufficient showing of privilege
30 and 31	Answer	No Privilege
32 through 57, inclusive and 55 through 75, inclusive	Answer	Not sufficient showing of privilege
58	Answer	No privilege
76 through 82, inclusive	Answer	Privilege waived by other answers
83 and 84	Answer	No privilege
85 and 86	Answer	Not sufficient showing of privilege
87 and 88	Answer	No privilege
89 and 90	Answer	Not sufficient showing of privilege
91 through 94, inclusive	Answer	No privilege

Cont to 3C

July 19, 1974 (3B)

Dept.,
88

NATURE OF PROCEEDINGS

ITEM NO.		
95 through 112, inclusive, and 114 through 127, inclusive	Answer	Not sufficient showing of privilege
113	Answer	Not privileged
128 and 139 through 141, inclusive	Answer	No privilege
142 through 147, inclusive	Answer	Not sufficient showing of privilege
148 through 154, inclusive	Answer	No privilege
155 and 157 through 159, inclusive	Answer	Not sufficient showing of privilege
156, 160, 161 and 163	Answer	No privilege
162 and 164 through 167, inclusive, and 169 through 173, inclusive	Answer	Not sufficient showing of privilege

Cont to 3D July 19, 1974 (3C) Dept. 88

ITEM NO.		REASON
168 and 174	Answer	No privilege
175 through 179, inclusive and 181 through 191, inclusive	Answer	Not sufficient showing of privilege
180	Answer	No privilege

That at the time of giving his answers as above specified, the plaintiff, Thomas B. Delashaw III is ordered to produce the following documents:

(1) Account statements on any account of Thomas Delashaw with Imperial Bank during the last five (5) years. (Item 9 of the Subpoena Duces Tecum);

(2) Cancelled checks on any checking account held by Thomas Delashaw in the last five (5) years. (Item 10 of the Subpoena Duces Tecum)

(3) Bank books on any savings or trust account of Thomas Delashaw in the last five (5) years. (Item 11 of the Subpoena Duces Tecum);

(4) Any financial statement prepared for Thomas Delashaw in the last five (5) years (Item 12 of the Subpoena Duces Tecum);

(5) Checking account books and/or savings account books of Thomas B. Delashaw

Cont to 3E July 19, 1974 (3D) Dept. 88

with any banking or lending institution in any American State or in any country of the world, including any unnumbered account held by him in Switzerland or Lebanon or any other country. (Item 15 of the Subpoena Duces Tecum).

The witness, Thomas B. Delashaw, III, is ordered to appear for the taking of his deposition as herein specified at the offices of Monteleone and McCrory, 5900 Wilshire Boulevard, Suite 2900, Los Angeles, California, on such date and at such hour as the parties may mutually agree. Otherwise, the Court will make its order as to the date of the deposition.

The motion for expenses and attorney's fees is denied.

That a copy of this order is served this date upon counsel of record by depositing true copies of the within enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Post Office mail box at 111 North Hill Street, Los Angeles, California, addressed as follows:

Thomas B. Delashaw, Esq.
14013 West Old Harbor Ln.
Marina del Rey, CA 90291

Steven E. Trabish, Esq.
4676 Admiralty Way, Ste 701
Marina del Rey, CA 90291

Dept. 88

July 19, 1974 (3E)

C 66037

Home Savings and Loan Association
vs
Houston General Insurance Co.

NATURE OF PROCEEDINGS

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3731 Wilshire Blvd., 10th Floor
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Monteleone & McCrory
Mutual Benefit Life Bldg. Ste 2900
5900 Wilshire Blvd.
Los Angeles, CA 90036

July 19, 1974 (3F) Dept. 88

APPENDIX 3

Court of Appeal, Second District

Case No. 45829

DENIAL of Application for stay and petition for alternative writ of mandate and/or prohibition and/or certiorari.

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TITLE { THOMAS B. DELASHAW III
vs.
S.C.L.A. } No. 45829

The Court

Application for stay and petition for alternative writ of mandate and/or prohibition and/ or certiorari denied.

April 2-75

Dist. Admin

CLAY ROBBINS, Clerk